

REGULAR

16

DECEMBER 2008

3:30 P.M., Ohio County Community Center, Hartford, Ky

Meeting called to order by Judge Executive David Jones. Prayer by Magistrate Hayward Dean Minton. Pledge to the American flag.

Those present were as follows:

David G. Jones	Judge Executive
Gregory B. Hill	County Attorney
Cheryl Morris	Fiscal Court Clerk
Hayward D. Minton	Magistrate District 1
Jason Bullock	Magistrate District 2
Richard Robinson	Magistrate District 3
Larry Keown	Magistrate District 4
Bill Burden	Magistrate District 5

Motion made by Magistrate Burden that the Court approve the minutes of the Regular meeting on November 25, 2008 as presented. (on file in Fiscal Court Order Book, Clerk’s office)

The motion was seconded by Esq. Robinson and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Judge Jones that the Court approve the Bills, Claims, Payments, and Transfers as presented (copy on file, Clerk’s office).

The motion was seconded by Esq. Keown and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Keown that the Court approve the Treasurer’s Financial Statement for the month of November 2008 as presented (copy on file, Clerk’s office).

The motion was seconded by Esq. Burden and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Judge Jones that the Court approve the following Resolution regarding a Community Development Block Grant for the rehabilitation of the Tamarlane Industries Building:

RESOLUTION

Resolved by the Ohio County Fiscal Court that it does hereby adopt the following resolution related to Community Development Block Grant 08-009:

- (a) Ohio County Fiscal Court assures that CDBG funds will be used for rehabilitation of the Tamarlane Industries Building exclusive of exterior painting;
- (b) Ohio County Fiscal Court assures all jobs created will be net new jobs beyond the current employment at Tamarlane;
- (c) Ohio County Fiscal Court understands the lease agreement must be extended between Tamarlane Industries and Ohio County Industrial Authority to 2013;
- (d) Ohio County Fiscal Court understands all cost overruns will be the responsibility of the Court;
- (e) Ohio County Fiscal Court accepts the grant amount of \$918,125 with no more than \$30,000 of CDBG expended for administrative expenses;
- (f) The Ohio County Judge Executive David Jones shall be and he is hereby authorized and directed to sign any and all documents and agreements related to the Ohio County Fiscal Court, Ohio County, Kentucky participating in this project.

Passed this the 16<sup>th</sup> day of December 2008.

David Jones

Ohio County Judge Executive

Attest:

Cheryl Morris, Fiscal Court Clerk

The motion was seconded by Esq. Burden and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Judge Jones that the Court approve to accept the bid from Perry Architecture in the amount of \$46,000 for architect services on the Tamarlane Industries Building Renovation Project.

The motion was seconded by Esq. Robinson and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Judge Jones that the Court approve to accept the changes in the Administrative Fees paid to Sandefur Consulting LLC from \$35,000 to \$30,000 as consultant in implementing the Community Development Block Grant on the Tamarlane Industries Building Renovation Project.

The motion was seconded by Esq. Keown and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Judge Jones that the Court approve the Guideform Residential Antidisplacement and Relocation Assistance Plan under Section 104(d) of the Housing and Community Development Act of 1974, as amended.

The motion was seconded by Esq. Keown and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Robinson that the Court approve the Procurement Standards involving the expenditure of local, State and Federal funds on the Economic Development Community Development Block Grant Tamarlane Industries Renovation Project.

The motion was seconded by Esq. Bullock and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Judge Jones that the Court approve the First Reading of Ordinance #2009-5: AN ORDINANCE RELATING TO THE CREATION OF THE “OHIO COUNTY ADDRESSING OFFICE” AND THE DUTY TO OBTAIN AN E911 ADDRESS, PROHIBITING UTILITY HOOKUP UNTIL OBTAINED AND ESTABLISHING PENALTIES FOR FAILURE TO COMPLY.

The motion was seconded by Esq. Burden and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	No
Burden	Yes
Jones	Yes

Said motion having carried five (5) to one (1) it is so ordered.

Motion made by Judge Jones that the Court approve to allow vacation time to continue to accrue while a county employee is off from work under the Family Medical Leave Act.

The motion was seconded by Esq. Robinson and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Minton that the Court approve to allow county employees to choose whether or not they use any or all unused sick or vacation time in order to receive pay during Family Medical Leave Act time off from work.

The motion was seconded by Esq. Bullock and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

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Motion made by Judge Jones that the Court approve to authorize the Judge Executive to sign a License Agreement, and any other required documents, with Pictometry Intelligent Images for a two year term at an annual cost of \$26,122.50, to be paid for with coal severance monies; contingent upon being able to access unobligated coal severance monies received after January 1, 2009. Any county taxing district wishing to participate and utilize this software program will be required to pay a proportionate percentage of the total cost of the program to be based upon their tax district base.

The motion was seconded by Esq. Minton and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	No
Burden	Yes
Jones	Yes

Said motion having carried five (5) to one (1) it is so ordered.

Motion made by Judge Jones that the Court approve to go into Closed Session for discussions of pending litigation on behalf of the Fiscal Court. No other business will be discussed during the Closed Session and no official action shall be taken or consensus made by the Fiscal Court. The legal authority that allows us to go into closed session is KRS 61.810(1)(c) which authorizes the Fiscal Court to have discussions of proposed or pending litigation against or on behalf of the public agency. The legal reason we are going into closed session is for discussion of pending litigation.

The motion was seconded by Esq. Keown and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Judge Jones that the Court approve to go back into Open Session. No other business was discussed or action taken during Closed Session except what was stated by me before going into Closed Session regarding pending litigation.

The motion was seconded by Esq. Burden and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Bullock that the Court approve the following Resolution regarding the reopening of old County Road 207, also known as Daniel Mines Road:

**OHIO COUNTY FISCAL COURT  
RESOLUTION AND LEGISLATIVE ORDER**

WHEREAS by orders of the Ohio County Fiscal Court respectively made on November 19, 1983 and December 11, 1990, then County road 207, also known as Daniel Mines Road, was temporarily closed beginning at the intersection of U.S. Highway 62 East for a distance of approximately one and one-half miles meandering northwesterly;

WHEREAS Ohio County Fiscal Court now believes it prudent and in the best interest of the County to reopen said road and place it on a limited maintenance status;

NOW THEREFORE IT IS RESOLVED AND ORDERED as follows:

1. The Orders made by this Court on November 19, 1983 and December 11, 1990 closing then County Road 207 (Daniel Mines Road) are hereby set aside.
2. The road is now reopened beginning at the intersection of U.S. Highway 62 East and meandering a distance of Approximately one and one-half miles in a northwesterly direction.
3. The Ohio County Road Foreman or his Administrative Assistant shall cause said road to be renumbered consistent with the Ohio County Road Program.
4. Said road will be placed on limited maintenance status.
5. All property owners who use said road and have placed gates or other obstructions thereon shall be notified of this action by the Ohio County Road Foreman and advised to remove from the road any obstructions within two weeks of the adoption of this Resolution and Legislative Order. Otherwise, the Ohio County Road Foreman shall remove same.

VOTE:	YES	NO
MINTON	<u>      </u>	<u>  X  </u>
BULLOCK	<u>  X  </u>	<u>      </u>

ROBINSON	<u>X</u>	—
KEOWN	<u>X</u>	—
BURDEN	<u>X</u>	—
JONES	<u>X</u>	—

Adopted this 16<sup>th</sup> day of December 2008.

<hr/> FISCAL COURT CLERK	<hr/> DAVID JONES, CO. JUDGE EXEC.
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The motion was seconded by Esq. Keown and after discussion of said motion the vote being called for was as follows:

Minton	No
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

Said motion having carried five (5) to one (1) it is so ordered.

Motion made by Esq. Burden that the Court approve to authorize the Judge Executive to execute a contract on behalf of the Ohio County Fiscal Court to employ the law firm of Stevenson & Land in a civil action pending in the Ohio Circuit Court styled Ohio County Fiscal Court v Wayne Hunsaker, Carolyn Johnson and Teresa Clark (07-CI-00149). The Ohio County Attorney has been disqualified by the Circuit Court to represent the County in the law suit as he is a witness in this action.

The motion was seconded by Esq. Robinson and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Judge Jones that the Court approve the recommendation by Jailer Rip Wright to hire Alaric Newman as Deputy Jailer PT 100 at \$9.00 per hour effective November 29, 2008 to replace Gloria Nall whose employment terminated on November 27, 2008.

The motion was seconded by Esq. Burden and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Judge Jones that the meeting is adjourned.

The motion was seconded by Esq. Burden and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Meeting is adjourned.

<hr/> Cheryl Morris, Fiscal Court Clerk	<hr/> David Jones, Judge Executive
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